



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

William S. Lerner

Application No. 10/612,315

Filed on July 2, 2003

Notice of Abandonment: 10/18/2004

Title: HEATING ELEMENT ACCESSORY
HAVING WARNING DEVICE

PETITION TO REVIVE UNINTENTIONALLY ABANDONED APPLICATION

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

1. A Notice to File Missing Papers dated September 29, 2003 was apparently mailed in the above case. This Notice was apparently inadvertently not responded to or not received.
2. Applicant at all times intended to prosecute the above application.
3. Applicant's attorney received a Notice of Abandonment dated October 18, 2004 several days after October 18, 2004. From the date of receipt of this Notice of Abandonment, Applicant's attorney, Steven Horowitz, diligently prepared the instant Petition together with papers responsive to the Notice to File Corrected Application Papers, which papers include formal drawings for FIGS. 2, 6, 7, 8, 9, 10, 11A, 11B.
4. The entire delay in filing the appropriate response to the Notice to File Missing Papers was unintentional.
5. It is respectfully requested that this Petition to revive be granted and the instant application be allowed to proceed with examination.

11/16/2004 BABRAHA1 00000102 10612315

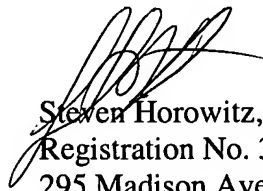
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685.00 DP

6. The fee for a Petition to Revive an Unintentionally abandoned application is enclosed herein in the form of a check in the amount of \$685 for a small entity.
7. The Response to the Notice to Correct Application Papers is also enclosed and this response includes the necessary replacement drawings together with a Drawing Substitution Request.
8. Also included herein is a Certificate of Express Mailing and an acknowledgement postcard.

Dated: November 10, 2004

Respectfully submitted,



Steven Horowitz, Attorney for Applicant
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DAC IFW
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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/612,315	07/02/2003	William S. Lerner	

Steven Horowitz
Counselor At Law
Suite 700
295 Madison Avenue
New York, NY 10017CONFIRMATION NO. 4077
ABANDONMENT/TERMINATION
LETTER
OC000000014120452
OC000000014120452

Date Mailed: 10/18/2004

NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 09/29/2003.

- No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (703) 305-9282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

*A copy of this notice **MUST** be returned with the reply.*

Z-MOQUESS

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE